

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 09-CR-0043-SPF
	)	
LINDSEY KENT SPRINGER,	)	
	)	
Defendant.	)	

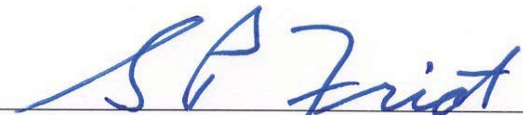
**ORDER**

Mr. Springer's "Motion for Release Pending Appeal or for Reconsideration" (doc. no. 424) and "Memorandum in Support of Motion for Release Pending Appeal or for Consideration" (doc. no. 425), both filed November 1, 2010, are before the court. No response has been filed or is yet due. It is not necessary, however, for the government to respond to the motion in these circumstances.

A notice of appeal has been filed in this action by Mr. Springer. Generally, a notice of appeal divests the court of jurisdiction except as to certain collateral matters. United States v. Prows, 448 F.3d 1223, 1228 (10th Cir. 2006). A district court retains jurisdiction to hear an initial determination of whether a convicted defendant is to be released pending appeal. U.S. v. Meyers, 95 F.3d 1475, 1488, n.6 (10th Cir. 1996). *And see*, Fed. R. App. P., Rule 9, Advisory Committee Notes, Subdivision (b). This court, however, has already made an initial determination that Mr. Springer should not be released pending appeal. (Orders, doc. nos. 363, 377.) Accordingly, the instant motion does not come within the exception which allows a district court to hear an initial motion for release pending appeal.

Mr. Springer's appeal deprives this court of jurisdiction. The motion is **STRICKEN** for lack of jurisdiction.

Dated this 2<sup>nd</sup> day of November, 2010.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE